

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUCAS PIERCE,

Plaintiff,

-v.-

9:06-CV-1290
(LEK)(GHL)

DAVE MONELL, Lieutenant, Tioga County Jail,
JESSIE HOWE, Corrections Officer, Tioga County Jail,
NATE MARSH, Sergeant, Tioga County Jail,

Defendants.

APPEARANCES:

LUCAS PIERCE
04-B-1486
Plaintiff, *pro se*

GEORGE H. LOWE, UNITED STATES MAGISTRATE JUDGE

DECISION and ORDER

Presently before the Court is a civil rights complaint and application to proceed *in forma pauperis* brought by Plaintiff Lucas Pierce, who is presently incarcerated at Auburn Correctional Facility. Dkt. Nos. 1, 2.

In his complaint, Plaintiff alleges that Defendants violated Plaintiff's constitutional rights by allegedly taking, without due process, about \$1,500 worth of jewelry from Plaintiff when he was admitted to the facility and failing to return, or acknowledge taking, the jewelry when Plaintiff was removed from the facility. Plaintiff also states that he has had his First Amendment Rights violated and has also been threatened by the Defendants. For a complete statement of Plaintiff's claims, reference is made to the complaint.

After reviewing the entire file herein, the Court finds that Plaintiff's *in forma pauperis* application may be **granted**.

WHEREFORE, it is hereby

ORDERED, that the Plaintiff's *in forma pauperis* application is **GRANTED**.¹ The Clerk shall issue summonses and forward them, along with copies of the complaint, to the United States Marshal for service upon the Defendants, together with a copy of this Order. The Clerk shall forward a copy of the summons and complaint by mail to the County Attorney for Tioga County, together with a copy of this Order; and it is further

ORDERED, that the Clerk shall provide the Superintendent of the facility designated by the Plaintiff as his current location with a copy of the Plaintiff's authorization form (Doc. No. 3), and notify the official that this action has been filed and that the Plaintiff is required to pay the entire statutory filing fee of \$350.00 pursuant to 28 U.S.C. § 1915; and it is further

ORDERED, that the Clerk provide a copy of the Plaintiff's authorization form (Dkt. No. 3) to the Financial Deputy of the Clerk's Office; and it is further

ORDERED, that a response to Plaintiff's complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants; and it is further

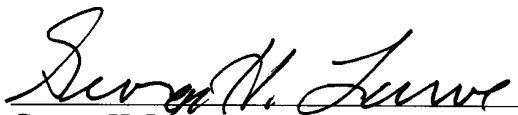
ORDERED, that all pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all**

¹ The Plaintiff should note that although his application to proceed *in forma pauperis* has been granted, he will still be required to pay fees that he may incur in this action, including but not limited to copying and/or witness fees.

opposing parties or their counsel. Any document received by the Clerk or the court which does not include a proper certificate of service will be returned, without processing. Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in his address; failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the court; and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff.

Dated: December 11, 2006


George H. Lowe
United States Magistrate Judge